

# TENNESSEE REGULATORY AUTHORITY




Sara Kyle, Chairman  
Lynn Greer, Director  
Melvin Malone, Director



460 James Robertson Parkway  
Nashville, Tennessee 37243-0505

## MEMORANDUM

TO: Chairman Sara Kyle  
Director Lynn Greer  
Director Melvin Malone

FROM: Eddie Roberson, Chief, Consumer Services Division   
Ed Mimms, Manager, Do Not Call Program   
Lynn Questell, Counsel  LQ/w/te. permission

DATE: October 25, 2001

SUBJECT: Settlement agreement with Gannett Satellite Information Network, Inc.  
d/b/a *The Tennessean* (Docket No. 01-00876)

Attached is a Settlement Agreement between the Consumer Services Division ("Staff") and Gannett Satellite Information Network, Inc. d/b/a *The Tennessean* (hereafter referred to as "*The Tennessean*") for violations of the Tennessee Do-Not-Call Telephone Sales Solicitation statute, TCA § 65-4-401 *et seq.* *The Tennessean* has been registered with the Tennessee Regulatory Authority ("Authority") as a solicitor since May 16, 2000.

One complaint has been registered against *The Tennessean* with the Authority alleging that the company violated TCA § 65-4-401 *et seq.* This Settlement requires the company to make a payment of \$2,000 to the Authority along with assurances from the company that it will fully comply with applicable state law. The terms of this Settlement allow the company to pay the \$2,000 to the Authority within thirty (30) days after Authority ratifies the Settlement. A representative of *The Tennessean* has agreed to attend the Authority Conference when this Settlement is considered in case you should have any questions. Considering all relevant facts, the Staff believes the terms of this Settlement are fair and reasonable and should have the result of no additional telemarketing complaints being filed against *The Tennessean*.

Staff submits the attached Settlement Agreement for your consideration at the November 6, 2001 Authority Conference.

cc: David Waddell, Executive Secretary  
Richard Collier, General Counsel  
Joseph W. Hawken, Finance Director, *The Tennessean*

# THE TENNESSEE REGULATORY AUTHORITY

## AT NASHVILLE, TENNESSEE

IN RE:	)		
	)		
ALLEGED VIOLATIONS OF TENN.	)	DO-NOT-CALL	T01-00533
CODE ANN. §65-4-401 <i>et seq.</i> , DO-NOT-	)	PROGRAM	
CALL SALES SOLICITATION LAW,	)	FILE NUMBER	
AND RULES OF TENNESSEE	)		
REGULATORY AUTHORITY, CHAPTER	)		
1220-4-11, BY:	)		
Gannett Satellite Information Network, Inc.	)		
d/b/a THE TENNESSEAN	)		
	)		
	)		

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## SETTLEMENT AGREEMENT

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This Settlement Agreement has been entered into between the Consumer Services Division ("CSD") of the Tennessee Regulatory Authority ("TRA") and Gannett Satellite Information Network, Inc. d/b/a THE TENNESSEAN ("The TENNESSEAN") and is subject to the approval of the Directors of the TRA. The TENNESSEAN, a company employing approximately fourteen hundred (1,400) workers, is located in Nashville, Tennessee. The TENNESSEAN has been registered with the TRA as a telephone solicitor since May 16, 2000, and obtains a monthly copy of the Do-Not-Call Register.

This Settlement Agreement pertains to one (1) complaint received by the CSD alleging that The TENNESSEAN violated the Tennessee Do-Not-Call Telephone Sales Solicitation law, TENN. CODE ANN. § 65-4-404, and TENN. COMP. R. & REGS. 1220-4-11.07(1), by knowingly making or causing to be made telephone sales solicitation calls to a residential subscriber in this state who had given timely and proper notice to the TRA of their objection to receiving

telephone solicitations. The complaint, which was filed with the CSD on September 7, 2001, alleges that on August 28, 2001, agents of The TENNESSEAN made a telephone sales solicitation call to the complainant, a residential subscriber in this state, who was properly registered on the Tennessee Do-Not-Call list.<sup>1</sup> In addition, the complaint asserts that in prior calls the complainant had informed employees of The TENNESSEAN that she was listed on the Tennessee Do-Not-Call Register and after one such call she had contacted The TENNESSEAN to request her inclusion on its internal DO-NOT-CALL list. The CSD provided The TENNESSEAN with notice of this complaint on September 10, 2001.

TENN. CODE ANN. § 65-4-405(f) authorizes the TRA to assess penalties for violations of the Tennessee Do-Not-Call statutes, including the issuance of a cease and desist order and the imposition of a civil penalty of up to a maximum of two thousand dollars (\$2,000) for each knowing violation. The maximum fine faced by The TENNESSEAN in this proceeding is two thousand dollars (\$2,000). CSD relied upon the factors stated in TENN. CODE ANN. § 65-4-116(b) during the negotiations, which resulted in this agreement, including The TENNESSEAN's size, financial status, good faith and the gravity of the violation.

In an effort to resolve this complaint, represented by the file number above, CSD and The TENNESSEAN agree to settle this complaint based upon the following acknowledgements and terms subject to approval by the Directors of the TRA:

1. The TENNESSEAN admits that the complaint against it is a true and valid complaint and in violation of TENN. CODE ANN. §65-4-404 and TENN. COMP. R. & REGS. 1220-4-11.07(1).
2. After receiving notice of the complaint that is the subject of this agreement, The TENNESSEAN acted in a cooperative manner by contacting CSD and expressing an interest

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<sup>1</sup> Complainant has been listed on the Tennessee Do-Not-Call Register since August 1, 2000.

in settling the complaint. The TENNESSEAN also proposed methods for preventing future violations of TENN. CODE ANN. § 65-4-404 and TENN. COMP. R. & REGS. 1220-4-11.07(1).

3. The TENNESSEAN agrees to a settlement payment of two thousand dollars (\$2,000.00) for this complaint as authorized by TENN. CODE ANN. §65-4-405(f), and agrees to remit the amount of two thousand dollars (\$2,000.00) to the TRA within thirty (30) days of the date the Directors of the TRA approve this Settlement Agreement.<sup>2</sup> Upon payment of the amount of two thousand dollars (\$2,000.00) in compliance with the terms and conditions of this Settlement Agreement, The TENNESSEAN is excused from further proceedings in this matter.
4. The TENNESSEAN agrees to comply with all provisions of The Tennessee Do-Not-Call Telephone Sales Solicitation law and regulations.
5. The TENNESSEAN agrees that a company representative will attend the Authority Conference at which time this Settlement Agreement is considered by the Directors for approval.
6. In the event of any failure on the part of The TENNESSEAN to comply with the terms and conditions of this agreement, The Authority reserves the right to re-open this docket for the

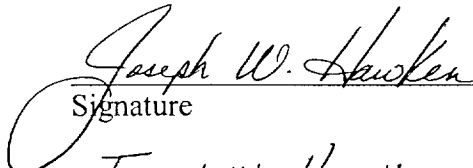
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<sup>2</sup> The payment may be made in the form of a check, payable to the Tennessee Regulatory Authority, sent to 460 James Robertson Parkway, Nashville Tennessee 37243, referencing TRA Docket Number 01-00876.

purpose of securing compliance and enforcing the Settlement Agreement. Any costs incurred in enforcing the Settlement Agreement shall be paid by The TENNESSEAN.

\_\_\_\_\_  
Eddie Roberson  
Chief, Consumer Services Division  
Tennessee Regulatory Authority

\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Signature  
JOSEPH W. HAWKEN  
\_\_\_\_\_  
Print Name

FINANCE DIRECTOR  
\_\_\_\_\_  
Print Title  
Gannett Satellite Information Network, Inc.  
dba The TENNESSEAN

10-24-01  
\_\_\_\_\_  
Date